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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/696,730

10/25/2000

Oguz Tanrikulu

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06/16/2004

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT

PAPER NUMBER

2644

17

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/696,730

Applicant(s)

TANRIKULU ET AL.

Examiner

Jefferey F Harold

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40,42,43,45,46,48,49,51 and 52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,12,13,15-17,23-25,31-34,40,42,43,46,48,49,51-59,63,64 and 68 is/are rejected.
- 7) ☒ Claim(s) 2-11,14,18-22,26-30,35-39,60-62 and 65-67 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. ***Claims 1, 12, 13, 15, 16, 17, 23-25, 31-34, 40, 42, 43, 46, 48, 49, 51 and 52*** are rejected under 35 U.S.C. 102(b) as being anticipated by Park et al. (United States Patent 5,392,348), hereinafter referenced as Park.

Regarding **claim 1**, Park discloses DTIVIF detection having sample rate decimation and adaptive tone detection. In addition, Park discloses a process for determining in an audio analog signal, which reads on "electrical signal", a presence of sinusoids used to encode disabled digits, the process consisting of: splitting the audio analog signal into subbands being at a sampling frequency of less than twice the highest frequency used to encode dialed digits, as disclosed at column 8, lines 44-49 and exhibited in figures 1 and 2; and at the sampled frequency, analyzing energies within the subbands via IIR filter (26) to determine the presence of the sinusoids, as disclosed at column 8, line 50 through column 9, line 2 and exhibited in figures 1-3.

Regarding **claim 12**, Park discloses everything claimed as applied above (see claim 1), in addition, Park discloses wherein analyzing the energies consists of determining whether a summing of the energies in the subbands exceeds a minimum threshold level, as disclosed at column 10, lines 1-32 and exhibited in figure 2.

Regarding **claim 13**, the prior art of record discloses everything claimed as applied above (see claim 1), in addition, Park discloses wherein analyzing the energies comprises determining whether a difference between the energies in the subbands is below a twist test threshold, as disclosed at column 10, lines 1-9 and exhibited in figure 2.

Regarding **claim 15**, the prior art of record discloses everything claimed as applied above (see claim 1), in addition, Park discloses wherein analyzing the energies further comprises inherently reporting valid dialed digits, as one of ordinary skill in the art would recognize that the detection process would not be pursued without provide the results.

Regarding **claim 16**, the prior art of record discloses everything claimed as applied above (see claim 1), in addition, Park discloses wherein the electrical signal is sampled by an analog-to-digital converter and splitting and analyzing the electrical signal is executed by a digital processor, as disclosed at column 6, lines 6-54.

Regarding claims 23 it is interpreted and thus rejected for the reasons set forth above in the rejection of claim 16.

**Regarding claims 17, 24, 25, 31-34, 40, 42, 43, 45, 46, 48, 49, 51-59, 63, 64, and 68** they are interpreted and thus rejected for the reasons set forth above in the rejection of claim 1.

***Allowable Subject Matter***

2. ***Claims 2-11, 14, 18-22, 26-30, 35-39, 60-62 and 65-67***are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

3. Applicant's arguments filed May 10, 2004 have been fully considered but they are not persuasive.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH  
June 11, 2004

Jefferey F Harold  
Examiner  
Art Unit 2644

  
XU MEI  
PRIMARY EXAMINER